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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/965,073	09/28/2001	Yuki Wakita	214491US2X 3398		
22850 7590 06/02/2004 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			EXAMINER		
			PESIN, BORIS M		
1940 DUKE ST ALEXANDRIA		ART UNIT	PAPER NUMBER		
'ILL'E II II II			2174		

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary Examiner				T***	A				
Examiner Boris Peain 2174 217		Application	on No.	Applicant(s)	d N				
Boris Pesin 2174 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION If the period for papy specified advers to provide or 37 CPR 1 13(dg). In no nemet, however, may a reply to the provide or an interest of the providence of 37 CPR 1 13(dg). In no nemet, however, may a reply to the providence of the communication of the providence of the providence of the communication of the providence o		09/965,07	73	WAKITA ET AL.	V				
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2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1-63 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are ellowed. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-63 are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1 ☐ Certified copies of the priority documents have been received in Application No 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. BEST AVAILABLE COPY Attachment(s) 1) ☐ Notice of References Cited (PTO-892) Altachment(s) 1) ☐ Notice of Drateperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/S0/08) 3) ☐ Other: 4) ☐ International Disclosure Statement(s) (PTO-1449 or PTO/S0/08) 5) ☐ Other:	Status								
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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-31, drawn to visual editing apparatus classified in class 345, subclass 723.
- II. Claims 32-51, drawn to managing a hierarchy of objects, classified in class 345, subclass 853.
- III. Claims 52-63, drawn to managing data and documents, classified in class715, subclass 500.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has a separate utility such manipulating and editing pictures in a graphical user interface. However, invention II has a utility of managing hierarchy of objects. And further invention III has a separate utility of managing data and documents. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I or Group III, restriction for examination purposes as indicated is proper.

A telephone call was made to Joseph Scafetta, Jr. on 05/26/2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/965,073

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Westine Zisicaid

KRISTINE KINCAID

SUPERVISORY PATENT EXAMINER

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